



in
cooperation
with

INDONESIA



Universiteit Utrecht

NETHERLANDS



الجامعة الإسلامية العالمية
INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA
جامعة إسلامية عالمية

MALAYSIA



THAILAND



PAKISTAN

3rd ImCoSS

THE THIRD INTERNATIONAL MULTIDISCIPLINARY
CONFERENCE ON SOCIAL SCIENCES

5 - 7 JUNE 2015

BANDAR LAMPUNG UNIVERSITY
INDONESIA

PROCEEDINGS

Hosted by :

- Faculty of Teacher Training and Education
- Faculty of Economics and Business
- Faculty of Law
- Faculty of Social and Political Sciences



universitas
bandar lampung
SOLUTION FOR PRESENT AND FUTURE



3rd IMCoSS 2015

**THE THIRD INTERNATIONAL MULTIDISCIPLINARY
CONFERENCE ON SOCIAL SCIENCES**

5, 6 June 2015
Bandar Lampung University (UBL)
Lampung, Indonesia

PROCEEDINGS

Organized by:



Bandar Lampung University (UBL)
Jl. Zainal Abidin Pagar Alam No.89 Labuhan Ratu, Bandar Lampung, Indonesia
Phone: +62 721 36 666 25, Fax: +62 721 701 467
website : www.ubl.ac.id

PREFACE

The Activities of the International Conference are in line and very appropriate with the vision and mission of Bandar Lampung University (UBL) to promote training and education as well as research in these areas.

On behalf of the **The Third International Multidisciplinary Conference on Social Sciences (The 3rd IMCoSS) 2015** organizing committee, we are very pleased with the very good response especially from the keynote speaker and from the participants. It is noteworthy to point out that about 112 technical papers were received for this conference.

I would like to express my deepest gratitude to the International Advisory Board members, sponsor and also to all keynote speakers and all participants. I am also grateful to all organizing committee and all of the reviewers who contribute to the high standard of the conference. Also I would like to express my deepest gratitude to the Rector of Bandar Lampung University (UBL) who give us endless support to these activities, so that the conference can be administrated on time

Bandar Lampung, 6 June 2015

Mustofa Usman, Ph.D
Chairman of 3rd IMCoSS 2015

PROCEEDINGS

3rd IMCoSS 2015

The Third International Multidisciplinary Conference
on Social Sciences
5, 6 June 2015

INTERNATIONAL ADVISORY BOARD

M. Yusuf S. Barusman, Indonesia

Andala R.P. Barusman, Indonesia

Mustofa Usman, Indonesia

Khaliq Ahmad, Malaysia

Muhammad Azam, Pakistan

John Walsh, Thailand

Agus Wahyudi, Indonesia

Harpain, Indonesia

Susanto, Indonesia

Hayyan Ul Haq, Netherlands

Ida Madhieha A Ghani Azmi, Malaysia

Andrik Purwasito

Antonius PS. Wibowo, Indonesia

Torla Bin Hj.Hassan, Malaysia

Lintje Anna Marpaung Indonesia

Bambang Hartono, Indonesia

Erlina B, Indonesia

Zulfi Diane Zaini, Indonesia

Agus Wahyudi, Indonesia

Harpain, Indonesia

Khomsahrial Romli, Indonesia

Ida Farida, Indonesia

I Gusti Ayu Ketut Rahmi, Indonesia

Zainab Ompu Jainah, Indonesia

Iskandar AA, Indonesia

Habiburahman, Indonesia

M. Achmad Subing, Indonesia

Angrita Denziana, Indonesia

PROCEEDINGS

3rd IMCoSS 2015

The Third International Multidisciplinary Conference
on Social Sciences
5, 6 June 2015

GENERAL COMMITTEE

Executive Advisory

Dr. Ir. M Yusuf S. Barusman, MBA
Dr. Andala Rama Putra, SE, M.A, Ec.
Dr. Lintje Anna Marpaun, SH., MH.
Drs. Thontowie, MS

Chairman

Dr. Hery Riyanto, MT

Secretary

Bery Salatar, S.Pd.

STREERING COMMITTEE

Chairman

Mustofa Usman, Ph.D

Secretary

Susanto, SS, M.Hum, MA, Ph.D

Technical Committee of Law Division

Dr. I Gusti Ayu Ketut Rachmi Handayani, SH., MH
Dr. Erina Pane, SH., MH
Dr. Bambang Hartono, SH., M.Hum.
Dr. Zulfi Diane Zaini, SH.,MH
Dr. Zainab Ompu Jainah, SH., MH
Dr. Tami Rusli, SH.,M.Hum
Dr. Erlina B, SH.,M.Hum

*Technical Committee of Economics, Business,
and Management Division*

Prof. Dr. Sudarsono
Dr. Andala Rama Putra, M.A, Ec.
Dr.Lindrianasari, S.E., M.Si.,Akt. CA
Dr. Angrita Denziana, SE.,MM., Ak, CA
Dr. Iskandar Ali Alam, MM
Tina Miniawati, SE., MBA.
Dra. Rosmiati Tarmizi, MM, Ak.
Afrizal Nilwan, SE,,M.Ec., Akt.

Technical Committee of Social Sciences Division

Dr. Yadi Lustiadi, M.Si.
Dr. Supriyanto, M.Si.
Dr. Ahmad Suharyo, M.Si.
Dr. Wawan Hernawan, M.Pd.
Dr. Dra. Ida Farida, M.Si.

Technical Committee of language, Teaching and Education

Susanto, SS, M.Hum, MA, Ph.D
Deri Sis Nanda, SS., MA., Ph.D
Hery Yufrizal, Ph.D
Harpain, MA
Helta Anggia, MA
Yanuaris Yanu Dharmawan, M.Hum
Dameria Magdalena S., M.Pd

PROCEEDINGS

3rd IMCoSS 2015

The Third International Multidisciplinary Conference
on Social Sciences
5, 6 June 2015

ORGANIZING COMMITTEE

Chairman

Drs. Harpain, MAT, MM

Secretary

Tissa Zadya, SE, MM

Treasure

Samsul Bahri, SE

Administration

Proceedings and Certificate Distribution

Dina Ika Wahyuningsih, S.Kom

Tri Nuryati, S.Kom

Ida Nahdaleni

Vida Cancer

Agung Saputra

Desi Anggraini

Indah Satria, SH

Nurdiawansyah, SE

Receptionist and Registration

Rifandy Ritonga, SH, MH

Dra. Agustuti Handayani

Haninun SE, MS. Ak

Hepiana Patmarina, SE., MM

Kartini Adam, SE

Cyntia Jonathan

Sponsorship & Public Relation

Ir. Indriati A. Gultom, MM

Yulia Hesti, SH.,MH

Indah Satria, SH

Special Event

Deri Sis Nanda, SS., MA., Ph.D
Helta Anggia, S.Pd., MA
Dameria Magdalena S, M.Hum
Khairudin, SE., M.S.Ak
Aminah, SE. M.S.Ak
Tia Erisna, SE. M.Si., Ak
Olivia Tjoener, SE. MM.
Drs. Suwandi, MM
Dra. Azima D., MM
Risti Dwi Ramasari, SH.,MH
Siti Rahmawati, SE
Arnes Yuli V., S.Kom., .M.Kom
Recca Ayu Hapsari, SH., MH
Benny Karya, SH., MH
Mellisa Safitri, SH., MH

Transportation & Accommodation

Irawati, SE
Zainal Abidin, SE
Desi Puspitasari, SH

Consumption

Dra. Yulfriwini, MT
Susilowati, ST., MT

Documentation

Noning Verawati, S.Sos, MA
UBL Production

Table Of Content

Preface.....	ii
International Advisory Board	iii
Steering Committee.....	iv
Organizing Committee	vi
Table of Content	viii
Keynote Speaker :	
1. Cultural Tourism and Trade in Indigenous People's Art and Craft: A Gap Analysis of International Legal Treatise and National Legislation – Ida Madieha bt. Abdul Ghani Azmi	I-1
2. Contrasting Islamic Leadership Styles (An Empirical Study Of Muslim Majority And Minority Countries) - Khaliq Ahmad	I-10
Paper Presenter :	
ECONOMICS :	
1. An Analysis of The Influence of Aggregate Expenditure Regional Gross Domestic Product Growth In The Lampung Province – H.M.A. Subing	II-1
2. Effect on The Quality of Passenger Satisfaction (Study in Radin Inten II Airport South Lampung) – Ardansyah and Stefanny Ellena Rushlan	II-7
3. Factors That Affect Longevity Of Business Relationships – Margaretha Pink Berlianto and Innocentius Bernarto.....	II-12
4. Millennials Green Culture: The Opportunity And Challenge (A Case Study Of Higher Education Student) - Ika Suhartanti Darmo	II-21
5. Preferences Prospective Students In Choosing The Study Program (University X In Bandar Lampung) - Indriati Agustina Gultom and Wahyu Pamungkas	II-29
6. The Effect Of Growth, Profitability And Liquidity To Bond Rating Of The Banking Firms Listed On The Indonesian Stock Exchange (Period 2009- 2013) - Syamsu Rizal and Winda Sutanti	II-34
7. The Influences Of Investment On Regional Gross Domestic Product (RGDP) In Lampung - Habiburrahman	II-42
8. The Influences Of Bank Product Socialization And Electronic Payment System Quality On Intention To Use E-Money In Indonesia - Cynthia Jonathan, Rina Erlanda and Zainal Arifin Hidayat	II-46
9. The Influence Of Inflation, GDP Growth, Size, Leverage, And Profitability Towards Stock Price On Property And Real Estate Companies Listed In	

Indonesia Stock Exchange Period 2005-2013 - Herry Gunawan Soedarsa and Prita Rizky Arika	II-50
10. The Influence Of Investment Opportunity Set (IOS) And Profitability Towards Stock Return On Property And Real Estate Firms In Indonesia Stock Exchange - Grace Ruth Benedicta, Herlina Lusmeida	II-57
11. The Influence Of Prosperity And Finacial Performance With Respect To Equalization Funds Of The Government District/City In All Southern Sumatra Regions - Rosmiati Tarmizi, Khairudin and Felisya Fransisca	II-66
26. The Influence of The Financial Performance and Macroeconomic Factors To Stock Return - Angrita Denziana, Haninun, and Hepiana Patmarina.....	II-73
27. The Economical Analysis Of Mechanization In Land Preparation For Plantation - M.C. Tri Atmodjo	II-81
28. The Performance of Undiversified Portfolio In Indonesia Stock Exchange - Budi Frensidy	II-84
29. An Analysis of Fast Improvement Program of Human Resources for Employee Satisfaction of PT. PLN (Persero), Bandar Lampung Power Sector - Sapmaya Wulan and Kiki Keshia	II-89
30. Engineering Model of Economic Institution Insugarcane Agribusiness Partnership (Case Study on Sugar Cane Agribusiness Partnership between Farmers Cooperative and Sugar Factory in Way Kanan Regency of Lampung Province-Indonesia) – Syahril Daud and Adrina Yustitia	II-97

LAW :

1. Analysis Of Convict's Rights In Judicial Review Of Narcotics Criminal Case - Yulianto	III-1
2. Comparison Of Authority Of The Conditional Court In India And Thailand In Judicial Review – Indah Satria	III-4
3. Criminal Law Policy As An Effort Of Overcoming Crime Towards Protected Animals - Benny Karya Limantara and Bambang Hartono	III-9
4. Decentralization Evaluation in Indonesia : The Dynamics of Relation Central Government and Local Government - Dewi Nurhalimah	III-15
5. Denial Of Labor Rights By Liberal Legal Regime In The Outsourcing System - Cornelius C.G, Desi Rohayati and Ricco Andreas	III-20
6. Design Of The Special / Special For Inclusion In The System Of The Republic Of Indonesia By Constitution Of The Republic Of Indonesia 1945 - Baharudin.....	III-22
7. Dilemma of State Sovereignty Protecting the Homeland Indonesia (Studies Agrarian Constitution) - FX. Sumarja	III-27
8. From State Sovereignty To People Sovereignty: The Development of State Control Doctrine in Indonesia Constitutional Court Decision - Utia Meylina	III-32

9. Law Function As Instrument To Build a Stability of Moral Economy in
Globalization Era - Hieronymus Soerjatisnanta and M Farid Al-Rianto III-36
10. The Analysis Of Criminal Liability For Crimes Perpetrators Of The Crime
Of Human Trafficking – Dharma Saputra III-45
11. The Death Penalty: Pancasila, With Efforts To Eradicated Drugs -
Anggun Ariena R. and Ade Oktariatas Ky III-48
12. The Existence of Government Regulation in Liew of Law or Peraturan
Pemerintah Pengganti Undang-Undang (Perppu) in Legal Systems of the
Republic of Indonesia - Rifandy Ritonga III-53
13. The Fulfilment Of The Right To Health Services Through Control Of
Ombudsman Functions In The Region - Agus Triono III-57
14. The Tort Of Multimodal TransportatioAgreement -
Dio Adewastia Fajaranu III-64
15. Uprising Of Village Democracy: Challenge And Opportunities For Village -
James Reinaldo Rumpia III-70
16. Comparative Law of Cartels between Indonesia and Japan (Review of Act
No. 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair
Business Competition and the Act Concerning Prohibition of Private
Monopoly and Maintenance of Fair Trade" (Act No. 54 of 14 April 1947))
- Recca Ayu Hapsari III-77
17. The Role Of Adat Community As The Part Of Normative Systems In Paser
- Melisa Safitri III-83

SOCIAL SCIENCE :

1. An Using E-CRM To Improve Market Value Companies (Research Study at
EF Bandar Lampung) - Ruri Koesliandana, Arnes Y. Vandika, and Dina Ika
Wahyuningsih IV-1
2. Analysis Of The Quality Of Public Health Field – Siti Masitoh IV-4
3. Charges Of Indonesia Labor / Workers Against Proper Living Needs That
Can Meet The Minimum Wage – Agustuti HandayaniIV-13
4. Community Response On Changes Regional Head Election System (Study
On Environmental Public Housing Way Kandis Bandar Lampung) -
Wawan Hernawan and Mutia Ravenska.....IV-16
5. Compensation Policy Implementation Of Fuel Oil, In The District Konawe,
Southeast Sulawesi Province (Study on Implementation of Direct Cash
Assistance) – Malik and Noning VerawatiIV-21
6. Crowd Funding, Social Entrepreneurship and Sustainable Development -
Hery Wibowo.....IV-29
7. Euphoria and Social Media Related to Organizational Effectiveness, Based
on Gangnam Style Case - Astadi Pangarso and Cut Irna SetiawatiIV-32

8. Financial Management In Public And Private Junior High Schools -
Suwandi and SoewitoIV-40
9. Gender Mainstreaming In Glasses of Public Administration at Banten
Province - Ipah Ema JumiatiIV-47
10. Impact From Social Media To Social Life -
Eka Imama N, Ade Kurniawan, Yoga Dwi Goesty D.S, and Arnes Y. VandikaIV-56
11. Implementation of Public Private Partnership in The Management Market
RAU (Rau Trade Center) In Serang City - RahmawatiIV-59
12. The Values Of Democracy In The Implementation Local Political Agenda
In Kendari - Jamal BakeIV-67
13. Evaluation Of Health Services Regional Public Hospital Besemah in Pagar
Alam City of South Sumatra -
Yuslainiwati, Budiman Rusli, Josy Adiwisastra, and Sinta NingrumIV-77
14. The Impact Of It Social Network Path In The Students Of Community -
Arnes Yuli VandikaIV-82
15. The Development of Women's Participation in Political Life -
Azima DimiyatiIV-86

EDUCATION :

1. An Analysis of Students' Gramatical Error in Using Passive Voice at Grade
Ten of SMA Persada Bandar Lampung 2014 - Ildhias Pratiwi Putri..... V-1
2. An Error Analysis of Speaking Present Tense on English Conversation on
Program of PRO 2 Radio Bandar Lampung – Maryana Pandawa V-5
3. Developing Students' Writing Skill by Diary Writing Habit -
Fatima A. Putri, Bery Salatar, and Susanto..... V-8
4. Discourse Analysis Of Gettysburg Address -Yanuaris Yanu Darmawan V-11
5. Error Analysis of SMA Pangudi Luhur Bandar Lampung Students'
Translation in Using Meaning-Based Translation. – Kefas Ajie Bhekti V-18
6. Improving Students Affective Domain Through Asian Parliamentary
Debate Technique – Purwanto V-24
7. Online Authentic Materials For Learning English - AgniaMuti, Ezra
Setiawan, and Ida Oktaviani V-36
8. Politeness Strategies As Persuasive Tool In Magazine Advertisements
Circulated In Lombok Tourism Spots – Lalu Abdul Khalik and Diah
Supatmiwat V-39
9. Simple Past Tense Of The First Grade Students Of SMP Negeri 1 Seputih
Banyak In Academic Year Of 2014/2015 - Qory Fahrnis Firdaus V-47
10. Supporting Learners' Autonomy Through Distance Language Learning -
Dameria Magdalena S V-51

11. Teaching Poetry in ELT Classrooms: Some Challenges and Solutions - Bastian Sugandi and Husnaini	V-54
12. Teaching Vocabulary By Using Hypnoteaching To Second Semester Students Of Bandar Lampung University - Fransiska Anggun Arumsari	V-58
13. The Application Of Brainstorming To Improve Student's Writing Skill - Ita Brasilia Nurhasanah, Ria Martin, and Rizky Amalia	V-65
14. The Application Of Using Letter Land Technique Towards Students Vocabulary Mastery - Budianto, Elis Munawaroh, Fitri Anggraini, and Yuni Arifah	V-68
15. The Application of Quiz Team Technique to Improve Students' Understanding on Simple Present Tense at Grade Seven at SMPN 26 Bandar Lampung – Rosdawati	V-71
16. The Art Of Seduction Of Giacomo Casanova An Analysis Of "The Story Of My Life" - Helta Anggia	V-75
17. The Effect Of The Application Of The News Presentation Towards Students' Speaking Ability Of Grade Eleven At SMK Negeri 1 Seputih Agung - Risdiana Yusuf	V-78
18. The Effect Of The Teacher's Feedback Approach Towards Students' Descrptive Writing Skill At Grade Tenth Of SMK Bhakti Utama Bandar Lampung - Nila Kurnijanti	V-83
19. The Improvement Of Students' Vocabulary Achievement By Using Direct Method Of SMP Wiyatama Bandar Lampung - Putri Nurhayani	V-85
20. The Influence Of Lampungnese Ethnicity Accent On Dialect A To Lampungnese Students' Pronunciation Ability At English Education Study Program - Anggi Okta Dinata	V-88
21. The Influence of Using Scrambled Pictures to Improve Students' Ability in Writing Narrative Text of Eleventh Grade Students of SMK Bhakti Utama Bandar Lampung - Novita Uswatun Khasanah	V-91
22. The Use of Letterland Method in Teaching Reading at Early Year Level to Pre-School Students in an Informal Education in Bandar Lampung - Alfiana Rochmah	V-94
23. TheInfluence of Using Short Video Towards the Students' Speaking Skill at Grade VII of SMPN 22 Bandar Lampung - Dita Oktapiana	V-101

UPRISING OF VILLAGE DEMOCRACY: CHALLENGE AND OPPORTUNITIES FOR VILLAGE

James Reinaldo Rumpia

Assistant Researcher at Center of Public Policy and Human Rights Studies

(Pusat Kajian Kebijakan Publik dan Hak Asasi Manusia),

Faculty of Law, Lampung University

Corresponding author e-mail: jamesreinaldor@gmail.com

ABSTRACT - Village always be integral part of Indonesia, and also their village democracy. Village Democracy became way of life in Indonesia even before independence. The concept of village democracy is seen in the form of deliberation, consensus, and mutual help. Either ungrateful or forgotten, Village democracy today is still isolated by regulation. The regulation that established always put the village as objects of development, not as a subject. The village democracy even in the New Order Era absolutely suppressed, through Law No. 5 of 1979 on village government. Thousand Village spread around Indonesia is required to equalize the structure, governments, even culture into Javanization concept. Village regulations in Reform Era are also not much dissimilar. The village was ordered as the executor of the rest of the tasks of the government. Village development is Top-Down and just based on mere government's desire, not on the ideas and desires of Village. The presence of Law No. 6 of 2014 on Village, changed the paradigm of village development. Village democracy being soul of villages development in Law No. 6 of 2014. The rise of democracy was also supported by extraordinary sources of funding. It is seen in Article 72 Law No. 6 of 2014 and Government Regulation No. 60 Year 2014. Opportunities to realized village democracy and access the funds have many requirements. Village must making RPJMDes, APBDDes, and various legal instrument in the form of Peraturan Desa. This condition is certainly a challenge for Village, to be ready in human resources, institutions, and civil society.

keywords: Village, Democracy, development, Challenge, Opportunities.

1. INTRODUCTION

Culture, social, and nation history also provided the basis and the interpretation of democracy. Western countries as an example of interpreting democracy comes from the roots of liberalism. Western-style democracy is actually coming from France. Not that well, as revealed earlier, the democratic view always same. On the other hand egalitarian conception of Islam presents a far wider. The era of the Prophet Muhammad in Medina while to witness the majesty of a broader conception of egalitarian. Robbert N Bellah (an American sociologist), he said that the Prophet Muhammad built for a better model of modern community building than might be imagined (an example of a modern national community and better that can be imagined). [1] Furthermore Medina eliminates the exclusivism and also bring egalitarian participatory. [2] Seeing as though it cannot be equated conception of freedom is embraced by the French and Medina, the participation and equality become a benchmark of democratic values.[3] Indonesia itself has a different way of looking democracy. Historically, stimulus of village democracy became the forerunner of democracy in Indonesia itself. The village democracy into a genuine product of Indonesia, not a product of Western democracy. The development of village democracy is not as beautiful as the welfare of the goal. The Government with legal instruments often deviates even close the will of village democracy. This can be seen from the shape recognition and rights granted to the village states through legislation. Initial period of independence became a heroic past and strengthen the unity of the nation. Bells and

whistles, this unity could actually eliminate the concept of an autonomous village, such as the abolition of the Perdikan village. Such conditions did not last long with different forms, but the taste is almost the same, presenting the Old Order Praja village as an autonomous village. The hopes of the sustainability Praja village as the village grows and develops seem to live expectancy. Substitution of the New Order regime destroys the existence of Praja Village.

Javanization Aggression makes the whole concept of the village in Indonesia shall be a Javanese village. The village was losing its original rights, all depends on the willingness of the central Government. Nonetheless New Order put Village development spearhead national governance. We can see from the New Order's political development when it is focused on agriculture, for example, self-sufficient in rice, and as we know well that this is a job in the village.[4]

After the collapse of the New Order of the existence of the village began to be built again. Law No. 22 of 1999 be a starting point in the rise of local identity, more specifically, Law No. 6 of 2014 is to reinforce the authority of the autonomous arrangement of the village, and absolutely bring back the village democracy. The village has the right origins and traditional rights in the care and regulate the interests of society. The village is driven as an independent government entity, democratic and powerful but within the framework of the protection and empowerment of the country. The village was invited into the atmosphere of empowerment and protection, but behind all of that opportunities of village democracy also brings challenges. Changes to the

democratic paradigm that initially Village Top-Down, Bottom-up are invited into can be said to be culture-shock for the village. Because the Law No6 2014 on the village of Desa require to create a variety of documents such as RPJMDesa, RKPDesa, APBDDesa, until the village regulation. These challenges must be addressed by the Village with the readiness of human resources, strengthening institutions and civil-society.

2. MATERIALS AND METHOD

Type of research is a normative legal research, legal research that is carried out by means of reviewing and researching materials library with socio-legal approach by combining policy approaches and legal approach. Policy approaches used to examine the conditions and policies related to the management of Village in Indonesia. While the legal approach used to see the extent to which existing regulations in relation to the revival of village democracy along with the challenges and opportunities for the village.

Collecting data in this study are done through literature study to identify the source of the data, identify and inventory of legal materials relevant to the issues in research. Legal material itself consists of primary legal materials in the form of legislation and secondary legal materials in the form of draft laws, legal documents and the results of the research, the results of the assessment, and other references. Any data or materials that have been collected will be studied and analyzed in depth.

Data management techniques from the literature study conducted through data selection with the examination of data to determine the suitability and completeness of the data with research purposes. Then classifying data by placing the data based on the classification of the field or subject matter in order to make it easier to analyze. After that, the data compiled by systematically analyzed.

Analysis of selected data in this study is qualitative analysis, which provides the meaning of each data obtained by describing or outlining research results in the form of a detailed description of the sentence, and then from the description can be concluded as an answer issues raised in this paper.

3. RESULTS AND DISCUSSION

3.1. Village Democracy

Democracy was born from the disappointment over centralized government by certain people. Etymologically derived from the word democracy, *demos* meaning people and *kratos*, which means government. Based on this meaning, it can be an intention that the essence of democracy is rule by the people. People have the right to determine the course of administration. Democracy even further believes that everyone has the same rights. The similarities with regard to the right to participate, either merchants, nobles, although minorities have the same right to participate.[5]

Democracy also with regard to the legitimacy of the actions of the government, the government must be

supported by the will of the people either directly or through representative institutions. The perspective of democracy will be different in each nation. French and American, famous for his liberal political democracy, while democracy-marxist based on economic and social access, or also commonly known as social democracy. [6] Western-style liberal democracy and Marxist cannot be equated with the perspective of democracy in Indonesia. To unravel the roots of democracy in Indonesia, will lead to the village. Villages in Indonesia have been implementing the concept of democracy which is more comprehensive than Western democracies. Village democracy is not only related to political democracy, but also with regard to the economic and social democracy. On the other hand, western democracy that it is often destructive to the life of the nation, which is based on kinship and togetherness. Western democracy is also based on individualism. Humans are formed by the western system assumes that the relationship between individuals and their environment separately. Its contrast to the values of democracy in Indonesia, which is based on togetherness.

The sense of togetherness brings mutual cooperation and deliberation. More than just a consensus and mutual cooperation, Muhammad Hatta added two elements of democratic tradition.[7] The right to hold a joint protest against the leader/ ruler regulations are considered to be unjust, and the right of people to evacuate from the power of the king when he was not happy.[8] In other side, Bung Karno discussed Indonesia's democracy is not technically a democracy like Western democracy. Our democracy is a democracy that is mentioned in the Pancasila that brings the personality style of the nation itself.[9] Democracy as a national identity, of course, can also be seen long before the presence of the State of Indonesia. Minangkabau for example, already have their typical concept of village democracy. The penghulu Andiko (in the area Bodi Caniago) and the chiefs Andhiko (in urban areas Piliang) is the density of villages, conducting a meeting in the hall in order to resolve all matters villages.[10] Decisions are taken on said sekato (agreed).[11] In the other chance, Supomo further stated:[12]

“Minangkabau families, according to customary law, represented by mamak heir in court. But the power to represent this does not mean unjustly do what she want, but to act in accordance with its legal status in the family, so he had to act as a proper keeper of party treasures”.

The concept of democracy which was built by the Minangkabau people, even have come to the concept of representative democracy. The concept also has to consider the power of the representative body are limited, and may not be arbitrary. Minangkabau village democracy, even been able to make their own deliberation body. There is a term used them for example: "*adat dipakai lembaga dituangkan*", the proverb means that adat is legislation that has been in effect since time immemorial retained, while the agency is customary *nan diadatkan* based on the

agreement of the elders of indigenous to adjust to the situation carried out. [13] The existence of deliberation and consensus for centuries has been the perspective of democracy. Not only Minangkabau people who have developed the concept of democracy. [14] Sasak in Lombok also has developed the concept of deliberation through begundem. Begundem has at least five (5) principles: [15]

- 1 Each member of the Begundem can convey his thoughts about an issue based system Patok-Patek (break arm) or "Petok-imah" (break hands). This means that there is nothing to prevent the release of opinions. Freedom of opinion and freedom of the implementation period of deliberation;
- 2 In the expression, hinted that the talks should not deviate from the issues that are being discussed;
- 3 Every discussion should be based on the desire to contribute to the search for a solution, because this is the meaning begundem;
- 4 Each follower in the trial is obliged to act decently, both in attitude and in his speech;
- 5 Every follower shall respect the decisions that have been taken and run it in practice.

It is understood Indonesian traditional people have used a more comprehensive democratic system, through deliberation. Deliberation is not only a ruler election event, but became a symbol of participation and aspiration of the people. People became guards check and balance against the power of government. Through deliberation The village also established a system of social, economic, political as needed. To realize deliberation as the value and spirit of democracy in Indonesia, it is due to the positive law of Indonesia. Positive law into an instrument of legitimacy once the changes to the values of Village democracy.

3.2. Paradigm Changes in Village Development

Village democracy as the identity of Indonesian democracy teaches at least one thing, that democracy is defined in the process not the outcome. The process of deliberation to balance between existing interests. The Results of the deliberation process at least minimize conflict due to non-fulfillment of such desire of minority groups. On the other side, F.Budi Hardiman stated, that in deliberative democracy, all types of practical discourse operate in opinion formation and democratic aspirations to examine the reasons for the proposed political regulations.[16] All these democratic ideal villages as mentioned earlier also, it will not be separated from the state.

Pancasila as the fundamental norm of Indonesia indeed has guaranteed that the deliberations as a national identity, but it is not enough. Pancasila value should formed in legislation. Deliberation is included in the legislation is only a small part of the village. Based on these things, the first look at the village management in Indonesian positive law, so as to understand also the position of village democracy. The position and shape of the village placed in dynamic condition related to terms of recognition. The recognition of origin with regard to rights as an entity that grows and develops long before the Republic of

Indonesia. At the beginning of independence, for example in the Perdikan Village was abolished status. This removal would also eliminate the right of its origins as an autonomous village. Such conditions, then do not last long, the Old Order government when it returns the format and form an autonomous village in the frame of the Civil Village. The prototype is on its way autonomous village cannot survive. New Order government really destroys (in identity and soul) Praja Village. Armed with Law No. 5 of 1979 as ultimate weapon, the village is replaced with the format of the civil administrative Village (Kelurahan). This situation will have an impact on native rights and the authority is very limited village. The village imprisoned in a centralized space, and all the creativity is turned off and rely on the center.[17]

The rise of large-scale local authority or the right of the origin of the village is done after the reform. Recent developments in the frame of Law No. 6 of 2014 on the village. Article 18 of Law No. 6 of 2014 provides authority for the village include: authority in the field of implementation of village government, the implementation of Village Development, Village community development, and community empowerment village based community initiatives, the origins of the rights and customs of the village. Prior to further discuss the Law No. 6 of 2014, as generators village democracy, should we look at the post-Reformation anyway village setting. Post-Reformation does look as though the village is located in a space of freedom and recognition, but that happens only weakens the village. This shortcoming with regard to the concept of planning and construction of the village.

The village only received planning Top Down Planning. Although already know musrenbangdes (village development forum), and rakobangdes (village coordination forum), the direction remains at the center of the village planning and uniforms. The village only became the object of development, not the subject. The village just accepts all the decisions from central government without having the right to voice their needs. In a small sample, for example, when the village needed help in the form of fertilizers, the government provides tractors as farm tools. In other contexts, the village is getting help development from central government in the form of funds, but the funds are creating a climate of beggars. The village turned into an entity that dependency, without independence and creativity .

Historically and empirical conditions that occur cannot be separated from the damage created by bureaucracy of the New Order. The beginning of the Reform Era did not change significantly the independence and capacity of the village, there are 5 (five) weakness of village development:[18]

- 1 Law No. 32 of 2004 does not recognize at all the village planning, and do not put the village as a respectable entity. Government Regulation No. 72 of 2005 as a derivative of the Law, even just put the village as the chirping of birds in a cage.

- The village can only speak freely without authority.
- 2 Planning area containing the gap between the results of the sectoral spatial processes. The village does not have the capacity to access the sectoral issues, the village only to reach any physical problems surrounding the village infrastructure.
 - 3 The village dominated by the interests of the village elite only. Not a participation in the development of which involves the role of sectoral organizations.
 - 4 The process of participation and planning in Musrenbangdes (village development within deliberation process) face distortion of additional projects of the government, for example, sub-district development program. The village is excited to participate in the forum because this forum is able to ensure the village funds.
 - 5 Village is stuck in the process of multilevel participation. Participatory planning have been made by the village is often uneven. Villages are often disappointed because every year to plan, but it turns out the program does not go down.

Embodiments of the independence given to the village through various authorities. Article 18 of Law No. 6 of 2014 on the village mentions that the authority of the village includes the authority in the field of implementation of village government, the implementation of Village Development, Village community development, and community empowerment village based community initiatives, the origins of the rights and customs of the village. While Article 19 of the Law No. 6 of 2014 mentions that the authority of the village include:

- a) The authority of origin based rights;

- b) Local authority scale village;
- c) Authority assigned by the Government, Provincial Government, or the Government District / Town; and
- d) Other authorities assigned by the Government, Provincial Government, or the Government District / City in accordance with the provisions of the legislation.

The village governance based on the authorization by the Government of the Village, Badan Permasyarakatan Desa (as the Village Consultative Body) [18] and deliberation.

3.3. The Opportunity for The Rise of Village Democracy

Paradigm changes that made by the Law No. 6 of 2014, also evokes the village democracy that before had been closed through the regulation. The village government organization turned into results elaboration and harmonization throughout the village government administration. Deliberation is an elaboration system that is also guaranteed in article 54 of Law No. 6 of 2014 on the village. Mentioned that: Village deliberation as a forum for discussion, followed by the Badan Permasyarakatan Desa (BPD) as the consultative body in villages, village government, and the public as well as the strategic village (village structuring, planning, cooperation, investment, and the establishment of village owned enterprises) in village governance.

Village deliberation was formed to be able to answer the needs of their own. Early stages of deliberation pertain to planning. The plan must then be elaborated in the form of a legal product. Legal role is very closely linked to development. David M Trubek the doctrine of law and development as follows: [19]

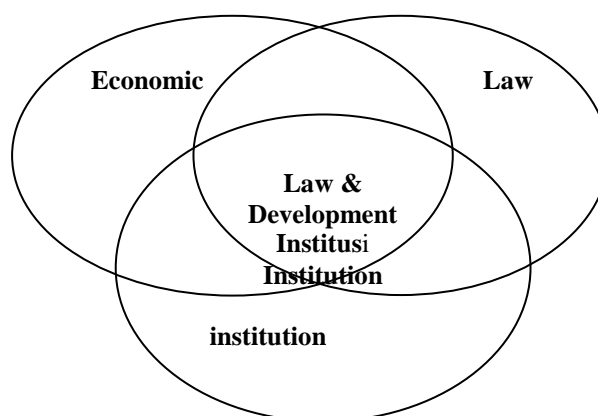


Figure 1. illustrates the relationship between the three aspects of law, economics and institutions

Picture illustrates the relationship between the three aspects of law, economics and institutions. In the context of village development to be achieved is the result of collaboration of these three aspects. The Economic is representing the concept of village development. Law in fundament development into an instrument of legitimacy that is realized through village regulations and various laws other villages. The role of village institutions to spearhead the

implementation of development to be achieved. The institution is no longer in a narrow conception that is, only the village government alone, the role of BPD and deliberation village became very influential as well. For the sake of harmonious embodiment Village development and self-government administration throughout the village should participate. This is concretely seen from the various laws such as RPJMDes, RKP Des, and APBDes that under the

Village Law, shall involve BPD in shape. Thus the village really had the opportunity to develop itself as an independent entity, powered social, political and economic. On the other hand the Village Act not only made border, that Village development just by the village government.

Village communities become parties contribute and have the capacity to determine the direction of development of the village. Here relations and governance is conceived in Law No. 6 of 2014 on the village.[20]

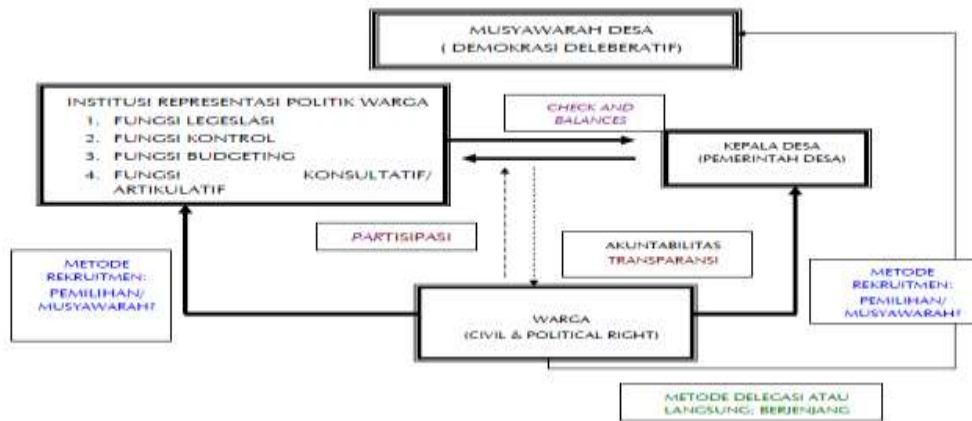


Figure 2. Village communities

Village communities have seen a special space free to express their needs as a resident of the village. Freedom in their meaning as human rights are the rights of citizens here is their right to participate in politics in matters of constitutional and grammatical rule.[21] Village community participation concretely packaged in the form of deliberation. Deliberation later emerged as a means of satisfying needs, participation, supervision of construction of the village. More than that deliberation is not just like the deliberations for the preparation of the Village of mutual cooperation or consultation committee for independence day. The Deliberations that will be built is the deliberation that is able to produce specific outputs. Village deliberation based on village ministerial regulation, No. 1 Year 2015 article 2, have the following definitions:

“deliberation between the Village Consultative Body, the Village Government, and organized by the Society elements Village Consultative Body to agree on terms that are strategic”.

It is located in the village of Regulation No. 1 Year 2015, described in the same article as follows: 1) structuring the village; 2) planning; 3) village cooperation; 4) investment plan that goes to the village; 5) the establishment of the village-owned enterprises; 6) additions and disposals of village assets; and 7) extraordinary events.

Seen through the lens of politics, it is sought by the real deliberation is legitimacy.[23] The existence of a consensus in the community, will foster a strong validity and minimize coercion and violence by certain regimes. [24]Further legal-Formal through consultation of a legal product. Legal product in question, among others, regulatory Village, Village Medium Term Development Plan, Village Development Plan, Village Development Plan, and the

implementation of other development documents. To realize the ideals of the village as an entity to make political, economic, social, and cultural, it can be concluded very dependent on the entire village government administrators.

3.4. The Challenges Uprising Village Democracy

Major changes to the Village development paradigm at least give a chance of recognition and participation. The village became an autonomous organ is expected to develop in accordance with the right of the origin and needs. On the other hand Villages also have the opportunity to plan for development until the stage of accountability. Behind the opportunity that has been mentioned is there challenges in it.

Implementation of the village governance has been very dominated by thepatron-client relationship. The village head dominates all activities and village governance. Implementation of the village is no longer just monopolized by the chief. The village must prioritize the implementation of harmonization and synchronization pattern of all parties involved in village governance. Organizers Village Government as BPD (Badan Permusyawaratan Desa) should be optimized. BPD. Without the role of BPD, will make village democracy go down too. It can be said that the village democracy has been merged with the National government system, making BPD as the holder of the concept of representative democracy. The village democracy goes depends on the role of BPD.

BPD is no longer just as a chair for village elders. BPD is no longer seen as a side job, but as a real job representing the interests of villagers. BPD should be presented as an entity that represents a check and balance in the village. A relationship that is created between the village chief and BPD is no longer seen as a subordinate relationship. BPD should be able to perform the functions of the legislative, consultative,

oversight and aspiration or in other words BPD should be able to realize substantial democracy. Not the functioning of BPD will disable the capacity of village governance. Practically, this case means that BPD is not capable of holding its obligations in terms of making the village document products.

Liabilities participated brought by Law No. 6 of 2014, has implications for the readiness of Human Resources (HR) in the village. HR is there really tests the competence to be able to prepare various documents Village development. Reality shows unreadiness organizers of village government in dealing with the administrative mechanism which prepared the Village Act. By unprepared document Village development is not only the responsibility of the failure affects the rise of democracy the village, but the village also will lose a source of funding. Because the Village Act also provides funding mechanism from the state budget requires a village to access documents as contained in Regulation No. 60 Year 2014 about Village Fund from the state budget. For example, in Lampung Tengah reGENCY about 102 villages of 304 has not had a village documents.[25] Failure to answer the transformation of the development model, it will make village weak. A Village just always ask for assistance from local or central government. So that in the end can not grow and get stuck into old-fashioned and backward entities.

4. CONCLUSION

Based on the above description, it can be concluded that

- a) Indonesia has embraced democracy a form of democracy in the Village (in this case the deliberation). To be able to see the position of village democracy in Indonesia, it must first be able to see the position of the village in a positive frame of Indonesian law. The village had locked up the position in a condition when the centralized New Order era. After the Reformation the village notch placed only as an arm of government (central or local). The village notch and democracy began to be revived through Law No. 6 of 2014 on the village. The presence of the law brought to the village development paradigm, which previously TOP-DOWN into Bottom-Up or we said development based on the village itself.
- b) Village development paradigm change also brings opportunities and challenges for the village. The village had the opportunity to perform in accordance with the overall development needs. In the other side, the village also gets additional funds from the state budget to manage the village. On the other hand changes the concept of village development, brought with it the challenge. The village is obliged to have qualified human resources, strengthening of institutions, and strengthening civil society. At the end of the obligation can be elaborated through deliberation as the essence of Village democracy. At the end if the village can't answer the challenge from

transformation, it will make village stuck in very crucial problems. Village will always depend on the government (local and central). Then, lot of village government will stuck in corruption problems because incapacity to manage village funds from the state budget.

REFERENCE

- [1] Yudi Latif, *Negara Paripurna*, Pt Gramedia Pustaka Utama, Jakarta, 2013, page 391.-392.
- [2] Ibid.
- [3] Equating the phrase does not mean that the author wants to equate the meaning of democracy that exist in Europe and the Islamic system. Democracy is coming from Europe or the Medina require limits. Emery Reves in the Manifesto of Democracy said that independence that has paid so dearly with the struggle of the centuries, has been destroyed simply because of their freedom of action, which entitles the democratic primary to the enemies of independence, is a sufficient proof, that various independence was, in its absolute form does not guarantee independence. Short stories Emery Reves purpose of this is absolute freedom does not mean freedom, independence profusely to anyone. Without limitation to freedom either participation or action, will in fact create chaos. On the other hand democracy is not just talking at the level of freedom and independence. See Emery Reves, *Sebuah Maklumat Demokrasi terj. Mr. A.Z Abidin*, Yayasan Pembangunan, Jakarta page 18-19.
- [4] See Repelita I (1969/70-1973/74), Repelita II(1973/74-1978/79), Pelita III (1978/79-1983/84), Pelita Iv (1983/84-1988/89). If we can see Replita development focus on agricultural
- [5] When viewed history as the era of kingdoms suppose Indonesia. Society is divided into social classes that are clear and assertive role. Society, for example in the Hindu kingdom era divided on caste brahmin, Kshatriya, Vaishya, and sudra. Thus opening the possibility for equal participation would be impossible. When society was also miss the conception of equal rights of participation. They already believe that that can lead only nobles, who can teach religion only the brahmin, and so on. Even in stories of the ancient Hindu literature is told every king and patrician class is the embodiment of a god who descends to earth to eradicate anger.
- [6] Koentjoro Poerbopranoto, 1987, *Sistem Pemerintahan Demokrasi*, Pt Eresco, Bandung, page 8.
- [7] Yudi Latif, *Opcit*, page 338.
- [8] Ibid
- [9] Bung Karno, 1960, *Pancasila sebagai Dasar Filsafat Negara*, Yayasan Mpu Tantular, Jakarta, page112.
- [10] R.Soepomo, 2000, *Bab-Bab Tentang Hukum Adat* cetakan kelima belas, Pradya Paramitha, Jakarta, page 71

- [11] Ibid.
- [12] Soepomo, 1978, *Hubungan Individu dan Masyarakat*, Pradya Paramitha, Jakarta, page 17.
- [13] Hilman Hadikusuma, 1981, *Hukum Ketatanegaraan Adat*, Alumni, Bandung, page 93.
- [14] The concept of democracy through deliberation and consensus at the time of the arrival of the Hindu teachings had suffered a major setback. This is because the space for participation and equality partitioned by the caste system. Each person is considered to have the position of each so should not interfere and do something that is not authorized caste. See Mahfud MD, 1993, *Demokrasi dan Konstitusi di Indonesia*, Liberty, Yogyakarta, page 31-32
- [15] Miriam Budiarjo, 1980, *Masalah Kenegaraan*, Pt Gramedia, Jakarta, page 61.
- [16] F Budi Hardiman, 2009, *Demokrasi Deliberatif Menimbang Negara Hukum dan Demokratis dalam Teori Diskursus Jurgen Habermas*, Kanisius, Yogyakarta, page 129.
- [17] When the New Order politics also known floating mass. This political turn off the channel of political participation of the village, but the village remains implanted seeds group (Golkar). So in the end the village without voting rights politically and totally in control of the central government. See Mashuri Maschab, *Politik Pemerintahan Desa di Indonesia*, Pusat Antar Universitas UGM, Yogyakarta, page 112.
- [18] Naskah Akademik UU Desa, page 31
- [19] BPD as long as this has no effect on the changes and development of the village. BPD is like just a bunch of village elders who have positions without authority. Such conditions can not be denied political detracted from existing village government in the New Order era. The whole village in the archipelago forced to accept Javanization understand. Robinson revealed that the Indonesian bureaucracy inherited culture or traditions of Java, which is expressed in two presposisi: a) The nature of the New Order government can be described fundamentally in terms of durability continuity perspective Javanese culture that shape the political behavior of officials or bureaucratic elite; b) The identity and structure of the political groups and the nature of political conflict that is determined by the relationship ie patrimonial patron-client structures that are personal and are arranged vertically. See Mahfud Md, 1993, *Demokrasi dan Konstitusi di Indonesia*, Liberty, Yogyakarta, page 110-111. As with the R William Liddle, he found the New Order only view the world through the lens of traditional Javanese culture that resulted in them not being able to take the necessary steps to achieve the goal of modernization, namely autonomy, economic growth, and bureaucratic rationalization. Ibid, page 111. See too Frans Magnis Suseno, 1995, *Mencari Sosok Demokrasi*, Pt Gramedia Pustaka, Jakarta, page 12. If then the patterns of the New Order still maintain lush, village chief in terms of power must be monitored and restricted. Without oversight and accountability of the village will fall into the abyss of corruption and feudalistic. Anti-feudal spirit must be upheld as disclosed Bung Hatta. Nobility and feudal power actually facilitate colonialism.
- [20] David M Trubek dan Alvaro Santos, *The New Law and Economic Development a critical appraisal*, Cambridge, USA, 2006.
- [21] Naskah Akademik Undang-Undang Desa, page 90
- [22] Soetandyo Wignjosoebroto 2013,, *Pergeseran Paradigma dalam Kajian Sosial dan Hukum*, Setara Press, Malang, page 73.
- [23] Cannot be denied that the Village is an independent political entity. Even more than the village into the arena / ring of fighting for the political power.
- [24] Miriam Budiarjo, 2013, *Dasar-Dasar Ilmu Politik*, Pt Gramedia Pustaka, Jakarta, page 65.
- [25] Koran Editor edition Tuesday, 23 Desember 2014.



Bandar Lampung, Indonesia

3rd IMCoSS
THE THIRD INTERNATIONAL MULTIDISCIPLINARY
CONFERENCE ON SOCIAL SCIENCES

www.imcoss.ubl.ac.id

